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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/138,942      08/24/98      SINKOFF      D      1.673.98

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MM42/0929

EXAMINER

MAHONEY, C

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 09/29/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/138,942

Applicant(s)  
Sinkoff

Examiner  
Christopher Mahoney

Group Art Unit  
2851



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-26 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Use of the term *substantially* in the claims renders them vague and indefinite.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 7-9, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Gradin (U.S. Pat. No. 4,639,106). Gradin teaches a projection screen 43 flexible enough to be disposed between an expanded condition and a collapsed position. This can be seen in figure 3.

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A positioning assembly for positioning the screen comprises at least one piston assembly 47 to normally bias and maintain the screen in the expanded position.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11, 14-18, 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winner (U.S. Pat. No. 5,438,780) in view of O'Brian (U.S. Pat. No. 5,292,169). Winner teaches a retractable screen 16 flexible enough to be disposed between an expanded condition and a collapsed position. This can be seen in the figures. A positioning assembly for positioning the screen comprises at two pair of pivotal arms 10, 12 which are spring biased by compression spring means, to normally bias and maintain the screen in the expanded position. Winner does not teach that the biasing means are gas pistons. O'Brian teaches that it was known to provide gas piston means as the biasing means to move a screen assembly. This can be seen in figure 1-2. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the gas piston means taught by O'Brian for the purpose of variable extension control.

7. Claims 1-11, 14-18, 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (U.S. Pat. No. 5653,278) in view of Locher (U.S. Pat. No. 4,790,598). Cheng

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teaches a retractable screen 50 flexible enough to be disposed between an expanded condition and a collapsed position. This can be seen in figure 3. A positioning assembly for positioning the screen comprises at two pair of pivotal arms 30, 40 which are spring biased by compression spring means, to normally bias and maintain the screen in the expanded position. Cheng does not teach that the biasing means are gas pistons. Locher teaches in column 4, lines 12-17 that compression spring means and gas piston spring means are known equivalents. Therefore, because these two spring means were art- recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious at the time the invention was made to substitute the gas spring means for the compression spring means.

*Allowable Subject Matter*

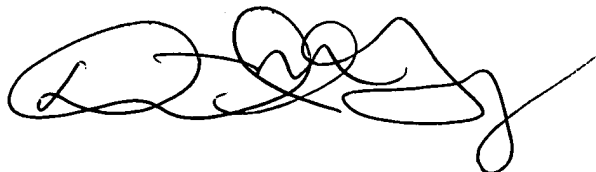
8. Claims 12-13, and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Christopher Mahoney at telephone number (703) 305-3475. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436. The fax number for this Group is (703) 305-34[31,32]. Any inquiry of a general nature or related to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



**DAVID M. GRAY  
PRIMARY EXAMINER**



CM

September 26, 1999